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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------|
| 10/824,188 | 04/14/2004 | Cory McWhorter | 1943.003US1 | 5904 |
| 21186 | 7590 | 09/21/2005 | | |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938 | | | EXAMINER ARCE DIAZ, MARLON A | |
| | | | ART UNIT 3611 | PAPER NUMBER |

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|---------------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/824,188 | MCWHORTER ET AL. |
| | Examiner Marlon A. Arce-Diaz | Art Unit 3611 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-13 is/are allowed.
- 6) Claim(s) 1-7 and 14 is/are rejected.
- 7) Claim(s) 8 and 15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 October 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7,14 have been considered but are moot in view of the new ground(s) of rejection. The prior rejection has been discarded in view of the argument. New art has been found to reject the claims specified above.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiya (US Patent No 4,356,877) in view of Runde (US Patent No 3,257,860). Kamiya discloses a motorcycle comprising of a frame (B), a driven sprocket (35) attached to a rear tire (Wr); an output shaft (28), a driving sprocket (25) rotatably mounted on adaptor (26), said adaptor is connected to said frame by a series of bolts (50), a drive chain (36) connecting the driving sprocket to the driven sprocket; in the broadest reason of interpretation a drive chain can be used instead of a drive belt, a bearing (29) placed between output shaft (28) and the adaptor (26). Kamiya fails to disclose the use of a drive coupler as claimed, fabricated from a rubber and coupled to a transmission output gear and a drive pulley. Runde discloses a vibration and shock insulating sprocket

comprising of a sprocket (10) attached to shaft (12) with a sprocket hub (22), said sprocket hub is connected to inner metal web portion (16); a rubber web (20) located between the inner metal web portion (16) and the inside portion of sprocket (10). It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the driving sprocket of Kamiya with a rubber web of Runde in order to improve the functional performance and efficiency of the motorcycle. The rubber web may also functions as an insulator to suppress audible vibrations, therefore making the ride more pleasant. In respect to claim 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to press-fit the bearing as claimed since the examiner takes official notice that to press-fit a bearing assembly is old and well known in the art, and to connect the bearing of Kamiya by this or other equivalent method would be within the level of ordinary skill in the art.

Allowable Subject Matter

3. Claims 8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 9-13 are allowed. There was no prior art found on the bracket, drive pulley, drive coupler and output gear located between the clutch slave cylinder and the transmission.

Conclusion

Art Unit: 3611

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shiohara (US Patent No 5,383,530). Shiohara discloses a Motorcycle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon A. Arce-Diaz whose telephone number is (571) 272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marlon Arce-Diaz

MAA

Lesley D. Morris
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EXAMINER
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